

### REMARKS

At the outset, the Examiner is thanked for the thorough review and consideration of the pending application. Applicants also thank the Examiner for the approval of the replacement drawing sheets, filed on November 20, 2006. The final Office Action dated January 16, 2007 has been received and its contents carefully reviewed.

Claim 1 is hereby amended. Support for the amendment may be found, at least, at paragraphs 0043 and 0048 of the instant specification. No new matter has been added. Claim 3 was previously cancelled. No new claims are added. Accordingly, claims 1, 2, 4, and 5 are currently pending. Reexamination and reconsideration of the pending claims are respectfully requested.

The Office requests a complete copy of the certified priority document for its files. A complete copy of the certified priority document was filed on April 19, 2004. The Examiner agreed; however, the certified copy was apparently lost by the Patent Office and the Examiner requested a copy. Accordingly, Applicants attach hereto a complete copy of the certified priority document to replace the first copy, which was lost by the Office.

The Office Action rejected claims 1, 2 and 4 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,148,647 to *Kabeya et al.* (hereinafter "*Kabeya*"). Applicants respectfully traverse this rejection.

As required in Chapter 2131 of the MPEP, in order to anticipate a claim under 35 U.S.C. § 102, "the reference must teach every element of the claim." The Applicants respectfully submit that *Kabeya* does not teach every element recited in claims 1, 2 and 4 and therefore it cannot anticipate these claims.

Claim 1 recites a tub assembly comprising, among other features, a "coupling member that is coupled with the bearing housing through the rear edge portion of the tub body and the outer circumference of the tub back." The coupling member of the present application,

provides a significant mechanical function, which obviates the need for a bracket for fixing a bearing housing to a tub back and thus minimizes a rearward protrusion of the bearing housing and tub back. *See Present Specification*, ¶ 0018. *Kabeya* fails to disclose this feature.

*Kabeya* teaches, as illustrated in figure 1, a “water tub 26 [that] includes a cylindrical circumferential wall 26a, a rear end plate 26b welded to the rear of the circumferential wall 26a....” *Kabeya* at col. 3:59-64. Thus, claim 1 distinguishes over *Kabeya* at least because the tub body 26a and tub back 26b in *Kabeya* are welded together and not coupled through a rear edge portion of the tub body and the outer circumference of the tub back as claimed. *Kabeya* also illustrates in figure 7, a “bearing housing directly mounted on the rear end plate 26b of the water tub 26 . . . .” *Kabeya* at col. 8:16-19. Claim 1 is distinguishable over this disclosure because the coupling member 42 of *Kabeya* is not coupled through the rear edge portion of the tub body as recited in claim 1, as illustrated, for example, in Figure 6 of the present application.

For at least the aforementioned reasons, the Applicants respectfully submit that claim 1 is patentably distinguishable over *Kabeya*. Likewise, claims 2 and 4, which depend from claim 1, are also patentable for at least the same reasons as discussed above.

The Office Action rejected claim 5 under 35 U.S.C. §103(a) as being unpatentable over *Kabeya* in view of Applicants’ admitted prior art (hereinafter “AAPA”). The Office appears to assert that FIGS. 1-3 and relative associated text are AAPA. *Office Action at* ¶ 11. The Applicants respectfully traverse the rejection.

As required in Chapter 2143.03 of the MPEP, in order to “establish *prima facie* obviousness of the claimed invention, all the limitations must be taught or suggested by the prior art.” The Applicants submit that *Kabeya*, *either alone or in combination with AAPA*, fails to teach or suggest each and every limitation of claim 5.

For at least the same reasons as presented above, *Kabeya* does not teach or suggest all the features of independent claim 1, namely, “a bearing housing, wherein the tub back, the tub body, and the bearing housing are coupled by a coupling member that is coupled with the bearing housing through the rear edge portion of the tub body and the outer circumference of the

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tub back.” Likewise, the AAPA fails to include such a feature. *See e.g., Figs. 1-3.* Accordingly, claim 5 is patentably distinguishable over *Kabeya* in view of the AAPA. Thus, Applicants respectfully request that the Office withdraw the 35 U.S.C. §103(a) rejection of claim 5.

Application is in condition for allowance. Early and favorable action is respectfully solicited.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at (202) 496-7500 to discuss the steps necessary for placing the application in condition for allowance. All correspondence should continue to be sent to the below-listed address.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911. A duplicate copy of this sheet is enclosed.

Dated: April 16, 2007

Respectfully submitted,

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